

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION  
3:04-CR-00194-RJC-CH

USA

v.

VAN ANTHONY ROSE

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ORDER

**THIS MATTER** is before this Court upon the defendant's Motions to Dismiss for Lack of Jurisdiction. (Doc. Nos. 83, 84).

The Court entered Judgment on the defendant's three hundred sixty month sentence on March 2, 2006, (Doc. No. 36), which was affirmed by the United States Court of Appeals for the Fourth Circuit, (Doc. No. 50). Four prior collateral attacks have been denied. (Doc. Nos. 62, 74, 78, 85), and the Fourth Circuit has yet to authorize a successive § 2255 petition.

In the instant motions, the defendant claims that he was not prosecuted by "proper authorities of the United States Government," (Doc. No. 83), and, therefore, the Court lacked jurisdiction over his case, (Doc. No. 84). The defendant has not alleged any statutory basis for relief at this stage in the proceedings; however, a person in custody may move the Court to vacate a sentence imposed in violation of the Constitution or laws of the United States under 28 U.S.C. § 2255. In previous Orders, the Court has informed the defendant of the requirement to first obtain permission from the Fourth Circuit before filing what amount to successive § 2255 motions attacking the criminal Judgment by which he is incarcerated. See United States v. Winestock, 340 F.3d 200, 206-07 (4th Cir. 2003) (motion attacking conviction or sentence usually amounts to successive petition requiring appellate approval).

**IT IS, THEREFORE, ORDERED** that the defendant's Motions to Dismiss (Doc. Nos. 83, 84), are **DISMISSED**.

**IT IS FURTHER ORDERED**, based on the defendant's repetitive practice of filing motions attacking his conviction and sentence without permission from the Fourth Circuit, that similar motions filed in the future without appellate authorization will be summarily denied.

Signed: December 18, 2014

A handwritten signature in cursive script, reading "Robert J. Conrad, Jr.", written over a horizontal line.

Robert J. Conrad, Jr.  
United States District Judge

